

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Concept Amenities Pty Ltd

Mark: KINU

Serial No.: 78/735,857

Filed: October 19, 2005

Examiner: Pamela N. Hirschman

Law Office: 105

I, JOYCE EARLY, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Trademarks, P O Box 1451, Alexandria, VA 22313-1451, on the date of my signature.

Joyce Early
Signature
7-27-07
Date of Signature

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451



07-25-2007

U.S. Patent & TMO/TM Mail Rcpt Dt: #30

REQUEST FOR RECONSIDERATION

Applicant hereby responds to the final Office Action refusal dated January 23, 2007.

Deceptiveness and Deceptively Misdescriptive

The Examining Attorney has made final the refusal to register the mark KINU on the grounds that the mark is either deceptive under Section 2(a) or deceptively misdescriptive under Section 2(e)(1). Applicant respectfully submits that its mark is neither deceptive nor deceptively misdescriptive and that these refusals should be withdrawn. Applicant has also filed a Notice of Appeal with the Trademark Trial and Appeal Board and requested suspension of the appeal pending the outcome of this Request for Reconsideration.

A refusal for either deceptiveness or deceptive misdescriptiveness requires some element of deception. A term is deceptively misdescriptive if it immediately conveys an idea of an ingredient, quality, characteristic, function or feature of the goods, but the idea is false, yet

plausible. *See In re Woodward & Lothrop, Inc.*, 4 U.S.P.Q.2d 1412 (T.T.A.B. 1987) (CAMEO held deceptively misdescriptive of jewelry not containing cameos). A two-part test should be used to determine whether a mark is deceptively misdescriptive: (1) does the mark misdescribe the goods; and (2) are purchasers likely to believe the misrepresentation. *In re Quady Winery, Inc.*, 221 U.S.P.Q. 1213, 1214 (T.T.A.B. 1984). The test for whether a mark is deceptive under Section 2(a) encompasses the two parts of the deceptively misdescriptive test and requires a third element: does: whether the misdescription materially affect customer decisions to purchase the product. *See In re Berman Bros. Harlem Furniture, Co.*, 26 U.S.P.Q. 1514, 1515 (T.T.A.B. 1993).

The mark KINU (which means "silk" in Japanese) does not immediately convey that silk is an ingredient of the goods. Rather, the mark conveys that Applicant's soaps, hair care products and lotions have the *qualities* of silk or are smooth, silky materials. The dictionary definition of "silk" encompasses many meanings, including defining "silk" as a "silky material." *See* Exhibit A. Soaps, shampoos, conditioners and lotions are all silky materials. Although some soaps may literally contain "silk" or "silk fibers" as shown in the Examining Attorney's Internet printouts, consumers are also used to seeing "silk" and "silky" in connection with soaps, hair care products and lotions that do not contain "silk." For example, "Seneca Silk Soap" includes only glycerin and essential oils as ingredients. *See* Exhibit B. Similarly, recipes to make "Green Apple Silky Soap" and "Grapefruit Silky Soap" do not call for "silk" as an ingredient. *See* Exhibit C.

Furthermore, the Trademark Office has allowed other "SILK" marks to register for goods identical to those of Applicant without any question as to whether the goods contained "silk as an ingredient." These marks include SOAPSILK for creams, soaps and shampoo and conditioner;

SILK SPA for crèmes and soaps; SOOTHING SILK for lotion, shampoo, soap and conditioner; and SILK THERAPY for shampoos. TESS records as well as the relevant portions of the prosecution histories for these marks are attached as Exhibit D. That these registrations were allowed to issue without any question as to whether the goods contained silk is strong evidence that "silk" does not immediately convey that "silk" is an ingredient of soaps, shampoos and conditioners and lotions. It is clear from this evidence that "silk" cannot be deceptive with respect to these types of goods solely on the grounds that the products do not literally contain silk or silk fibers.

For these reasons, KINU does not (1) misdescribe Applicant's goods because Applicant's goods are silky materials; and (2) purchasers are not likely to believe that personal care products contain silk because they frequently encounter "silk" as a trademark and "silky" used in connection with goods that do not contain silk. See Exhibits B through D. Applicant's mark is not deceptively misdescriptive because "silk" is an accurate description of the qualities of Applicant's goods.

Even if the Examiner concludes that Applicant's mark is deceptively misdescriptive under Section 2(e)(1), the mark cannot be deceptive under Section 2(a) because the third element of the test for a descriptive mark has not been met. Specifically, Applicant respectfully submits that the Examining Attorney has not established that the presence of actual "silk" in soaps, shampoos and conditioners and lotions is a factor that materially affects purchasing decisions. The Examining Attorney's evidence shows that some personal care products contain silk fibers, but this does not mean that the public is influenced to buy these goods because they contain silk or silk fibers. See *Gold Seal Co. v. Weeks*, 105 U.S.P.Q. 407 (D.D.C. 1955) (GLASS WAX for a

cleaner that did not contain wax was not deceptive under Section 2(a) because there was no evidence that the public was influenced to buy the product under the belief it contained wax even though some glass cleaners did contain wax). Applicant submits that the GLASS WAX case is directly on point to this case.

Because no evidence of the material impact on consumers exists, at the very least Applicant's mark may be deceptively misdescriptive but not deceptive. Indeed, Applicant's mark is less likely to deceive consumers than marks previously held to be descriptive or misdescriptive but not deceptive under Section 2(a). *See, e.g., Hoover Co. v. Royal Appliance Mfg. Co.*, 57 U.S.P.Q.2d 1720 (Fed. Cir. 2001) (NUMBER ONE IN FLOORCARE was self-laudatory and descriptive but not deceptive under 2(a)); *Berman Bros.*, 26 U.S.P.Q. 1514 (FURNITURE MAKERS misdescriptive but not deceptive for a retail furniture store that sold but did not manufacture furniture); *American Meat Institute v. Horace W. Longacre, Inc.*, 211 U.S.P.Q. 712 (T.T.A.B. 1981) (BAKED TAM for turkey meat was deceptively misdescriptive but not deceptive).

Conclusion

Applicant respectfully requests that the refusals under Sections 2(a) and 2(e) be lifted because no deception is present. In the alternative, Applicant requests that at the very least the Section 2(a) refusal be lifted because there is no evidence of a material impact on consumer purchasing decisions. If the 2(e) refusal is maintained or the examiner determines the mark is merely descriptive, Applicant requests that its application be amended to the Supplemental Register.

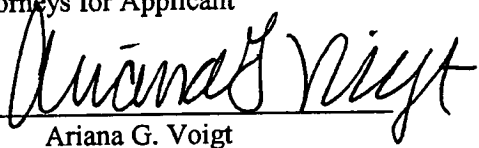
Charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of the fees associated with this communication.

Dated this 23rd day of July 2007.

Respectfully submitted,

MICHAEL BEST & FRIEDRICH LLP
Attorneys for Applicant

By:


Ariana G. Voigt
Lori S. Meddings

P.O. ADDRESS:

100 East Wisconsin Avenue, Suite 3300
Milwaukee, Wisconsin 53202
(414) 271-6560

Our Reference No: 020867-9001 US001



Merriam-Webster
Online

Home
Visit Our Sites
Premium Services
Downloads
Word of the Day
Word Games
Open Dictionary
Spelling Bee Hive
Word for the Wise
Online Store
Help
About Us

Bol d

Also Visit Unabridged Dictionary Learner's Dictionary Word Central for Kids Collegial

Dictionary Thesaurus Spanish/English Medical

silk

Entries 1 to 10 of 16. [Next 6](#)

silk[1,noun]

silk[2,intransitive verb]

corn silk
silk cotton
silk-cotton tree
silk gland
silk hat
silk moth
silk oak
silk screen

Main Entry: **¹silk**

Pronunciation: \ˈsɪlk\

Function: *noun*

Usage: *often attributive*

Etymology: Middle English, from Old English *seolc*, *sioluc*, probably ultimately from Greek *sērikos* silken — more at **SERICEOUS**

Date: before 12th century

1 : a fine continuous protein fiber produced by various insect larvae usually for cocoons; *especially* : a lustrous tough elastic fiber produced by silkworms and used for textiles

2 : thread, yarn, or fabric made from silk filaments

3 a : a garment of silk **b (1)** : a distinctive silk gown worn by a King's or Queen's Counsel **(2)** : a King's or Queen's Counsel **c plural** : the colored capitalized and blouse of a jockey or harness horse driver made in the registered racing color of the employing stable


4 a : a filament resembling silk; *especially* : one produced by a spider **b** : silky material <milkweed *silk*>; *especially* : the styles of an ear of Indian corn

5 : **PARACHUTE**

— **silk-like** \-,līk\ *adjective*

EXHIBIT

A

 *by Catherine*
[About Our Soap](#) - [Browse & Buy](#) - [Where To Shop](#) - [Contact Us](#) - [View Cart](#) - [Order Status](#)

About Seneca Silk Soap

Glycerin is a natural by-product of soap making, but most commercial companies remove the glycerin to add their more profitable detergents. These detergents are often alkali based and leave your skin feeling dry and tight. These detergents can also, at times, be irritating and even harmful for your skin.

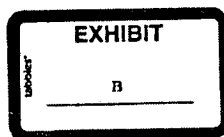
Seneca Silk Soap provides you with pure glycerin soap scented with essential oils. Glycerin is a humectants, a clear liquid that absorbs water and will leave your skin feeling soft and truly moisturized. Glycerin combined with essential oils makes our soap wonderful for not only your body, but your mind as well. Essential oils are 100 percent natural and will slow you down, soothe your mind from the hectic pace at which all our lives seem to move these days.

Our soaps are approximately 6 oz. each and the weight can vary slightly because each bar is hand poured.

Seneca Silk Soap's products are the total bathing experience. Not only will your skin benefit, but also your mind.

[home](#) - [contact](#) - [privacy](#) - [policies](#)

© Seneca Silk Soaps by Catherine 2004 - All Rights Reserved



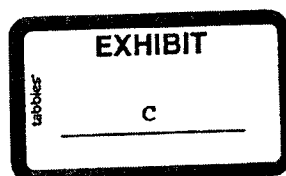
Grapefruit Silky Soap

If you have empty pump dispensers in your house, you might want to try your hand at making silky soap. They take a minimum of effort and ingredients.

1 cup unscented liquid soap
1/4 cup water
1 tsp salt
Grapefruit essential oil
2 T glycerin

Combine all of the above ingredients. Add essential oil, drop by drop until the scent is to your liking.

The salt is a natural thickener so if your silky soap is too thin, add a little more salt as required.



Green Apple Silky Soap

If you don't care for bars of soap on your counter, perhaps making your own silky soap is something to consider. It costs pennies, all the ingredients are very easy to come by and you can fill up every pump dispenser in your home quickly and easily.

Green Apple Silky Soap

1 cup unscented liquid soap or shampoo
1/4 cup water
several drops fragrance oil
green coloring (available at most good craft stores)
salt

This recipe is very simple to follow. Simply combine liquid soap and water and stir until it is thoroughly mixed. Add your coloring and scent a few drops at a time until the color and scent is achieved. Pour shampoo into a bowl and add the water. Stir until its well mixed add the salt and fragrance. The salt in this recipe acts as a thickener.

Add a little at a time until your soft soap is the thickness you desire.



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Thu Jun 21 04:06:23 EDT 2007

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

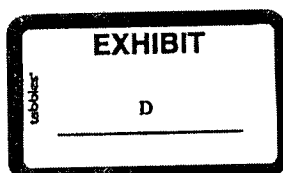
[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 6 out of 33**

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	SOAPSILK
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: HAIR CARE, PERSONAL CARE, AND BATH PREPARATIONS, NAMELY HAND AND BODY CREAMS AND WASHES, HAND SOAP, HAIR SHAMPOO AND CONDITIONER, BATH OIL AND BATH SOAP. FIRST USE: 20021100. FIRST USE IN COMMERCE: 20021100
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	78214617
Filing Date	February 13, 2003
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	May 11, 2004
Registration Number	2949897
Registration Date	May 10, 2005
Owner	(REGISTRANT) FANTASIA ACCESSORIES LTD. CORPORATION NEW YORK 31 WEST 34TH STREET NEW YORK NEW YORK 10001
Attorney of Record	JAY A. BONDELL
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead	LIVE



To: FANTASIA ACCESSORIES LTD. (jaybondell@scgb-law.com)
Subject: TRADEMARK APPLICATION NO. 78214617 - SOAPSILK - 1129-004T
Sent: 8/5/03 5:13:56 PM
Sent As: ECom114
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/214617

APPLICANT: FANTASIA ACCESSORIES LTD.

CORRESPONDENT ADDRESS:

JAY A. BONDELL
SCHWEITZER CORNMAN GROSS & BONDELL LLP
292 MADISON AVENUE, 19TH FLOOR
NEW YORK NY USA 10017

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
ecom114@uspto.gov

MARK: SOAPSILK

CORRESPONDENT'S REFERENCE/DOCKET NO: 1129-004T

CORRESPONDENT EMAIL ADDRESS:

jaybondell@scgb-law.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 78/214617

The assigned examining attorney has reviewed the referenced application and determined the following.

NO CONFLICTING REGISTRATIONS

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

IDENTIFICATION OF GOODS

The wording "Hair care, personal care and bath preparations" in the identification of goods is unacceptable as indefinite. The applicant must amend the identification to specify the commercial name of the goods. If there is no common commercial name for the product, the applicant must describe the product and its intended uses. TMEP section 804.

The usual and acceptable format is as follows: "hair care preparations, namely (followed by a list of specific hair care products such as shampoo, hair conditioner, hair mousse, hair gel, styling lotion, hair spray or whatever is accurate.) Follow this form with "personal care preparations, namely, and list them by commercial name. Once again, use "bath preparations, namely," and list the various soaps, gels and whatever is accurate.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. Section 2.71(a); TMEP section 804.09. Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

CLASSIFICATION

The applicant must adopt the appropriate international classification for the specified goods. The *International Classification of Goods and Services for the Purposes of the Registration of Marks*, developed by the World Intellectual Property Organization, classifies every product and service into one of forty-two classes. The Patent and Trademark Office uses this system to classify goods and services. 37 C.F.R. Section 6.1; TMEP section 1401.

The Office electronic Manual of Goods and Services is located on the Internet at the following address:
www.uspto.gov/web/offices/tac/doc/gsmannual/

Most, if not all of applicant's products appear presently to belong in Class 3, which is the cosmetics and toiletries Class. Applicant's lists may contain products that may be classified in other Classes. Adding another Class would require another \$335 filing fee.

EXPEDITED COMMUNICATIONS

The most expeditious way to resolve goods and services descriptions and disclaimer issues is by e-mail that allows for back-and-forth discussion between applicant and examining attorney without the 6-month intervals of mail or the irritation of telephone tag. Substitute specimens and declarations are best done by fax, as are domestic representative appointments, revocations and the like. The examining attorney's personal numbers are:

Tel. 703-308-9114 Ext. 433
Fax: 703-746-6267
E-Mail: jill.alt@uspto.gov

In order to submit formal responses by E-Mail, applicant must give written consent to be an electronic correspondent and set forth its E-Mail address. The signature, to be valid, must be typed between two forward slashes, as below.

/Jill C. Alt/

Trademark Attorney
Law Office 114
Tel. (703) 308-9114 Ext.433
Fax: (703) 746-8114
E-Mail: ecom114@uspto.gov

How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Thu Jun 21 04:06:23 EDT 2007

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSER DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) List At: OR [Jump](#) to record: **Record 10 out of 33**

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet
Browser to return to TESS)

Typed Drawing

Word Mark	SILK SPA
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: Hand creme, body skin soap; restoration body oil, and face creme. FIRST USE: 20010601. FIRST USE IN COMMERCE: 20010601
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76414603
Filing Date	May 30, 2002
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	January 21, 2003
Registration Number	2942499
Registration Date	April 19, 2005
Owner	(REGISTRANT) Mykytyn Enterprises, Inc. CORPORATION TEXAS Suite 200 835 Greens Parkway Houston TEXAS 77067
Attorney of Record	James E. Hudson III
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[|.HOME](#) | [SITE INDEX](#)| [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

0



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz Alerts](#) | [News](#) | [Help](#)

[Portal Home](#) | [Patents](#) | [Trademarks](#) | [Other](#)

[Trademark eBusiness](#)

- □

[Trademark Document Retrieval](#)

[Document Retrieval FAQ](#)

[Check Status \(TARR\)](#)

[File Online \(TEAS\)](#)

[Retrieve Documents \(TDR\)](#)

[Retrieve US Registration Certificates](#)

[Search Trademarks \(TESS\)](#)

[Trademark Official Gazette](#)

[+ Trademark Ownership](#)

[+ Copies, Products & Services](#)

[+ Supplemental Resources & Support](#)

[Trademark Information](#)

[Trademark Guidance](#)

[+ Codes, Rules & Manuals](#)

[+ Employee & Office Directories](#)

[+ Fees](#)

[+ Resources & Public Notices](#)

[Trademark Trial & Appeal Board](#)

[TTAB Manual of Procedure](#)

[+ Online Proceedings](#)

[Other](#)

[Copyrights](#)

[Patents](#)

[Policy & Law](#)

[Reports](#)

**IMPORTANT
NOTICE:**

E-Mail with Direct Link to Issued Trademark Office Action
Examining Attorney [Appeal Briefs to Replace E-Mailed
Actions/Appeal Briefs](#)

US Serial No: 76414603

[Select
New Case](#) [Contents
of File](#)

To view a document page-by-page, click on the document name in the Document Description column. The document will open in a New Window. To download the complete document, check the boxes next to the desired documents and click the Start Download button.

Please note that Mail/Create Date below is the date the document was loaded into the database; it is not necessarily the mailing date from which the response period begins to flow. The mailing date is available in the prosecution History in TARI.

Mail / Create Date	Document Description	Select All	Start Download
28-Oct-2005	TEAS Revoke Appointed Attorney	<input type="checkbox"/>	<input type="checkbox"/>
19-Apr-2005	Registration Certificate	<input type="checkbox"/>	<input type="checkbox"/>
11-Mar-2005	Notice of Acceptance of Statement of Use	<input type="checkbox"/>	<input type="checkbox"/>
16-Jul-2004	Specimens	<input type="checkbox"/>	<input type="checkbox"/>
16-Jul-2004	Statement of Use	<input type="checkbox"/>	<input type="checkbox"/>
16-Jun-2004	File Jacket	<input type="checkbox"/>	<input type="checkbox"/>
20-Jan-2004	Notice of Allowance	<input type="checkbox"/>	<input type="checkbox"/>
09-Jan-2004	Notice of Allowance	<input type="checkbox"/>	<input type="checkbox"/>
06-Jan-2004	Change of Address	<input type="checkbox"/>	<input type="checkbox"/>
01-Jan-2003	Notice of Publication	<input type="checkbox"/>	<input type="checkbox"/>

22-Nov-2002	Unclassified-Other	<input type="checkbox"/>
06-Nov-2002	XSearch Search Summary	<input type="checkbox"/>
30-May-2002	Application	<input type="checkbox"/>
30-May-2002	drawing	<input type="checkbox"/>
30-May-2002	Duplicate Application	<input type="checkbox"/>
30-May-2002	Duplicate Drawing	<input type="checkbox"/>

If you need help:

- **General trademark information:** Please e-mail TrademarkAssistanceCenter@uspto.gov, or telephone either 571-271-800-786-9199.
- **Technical help:** For instructions on how to use TDR, or help in resolving technical glitches, please e-mail TDR@uspto.gov. If outside of the business hours of the USPTO, please e-mail [Electronic Business Sup](#) 1-800-786-9199.
- **Questions about USPTO programs:** Please e-mail [USPTO Contact \(UCC\)](#).

NOTE: Within any e-mail, please include your telephone number so we can reach you directly, if necessary. Also, include the relevant serial number or registration number, if existing.

You can suggest USPTO webpages or material you would like featured on this section by E-mail to the webmaster@uspto.gov. We promise to accommodate all requests, your suggestions will be considered and may lead to other improvements on the website.

[Home](#) | [Site Index](#) | [Search](#) | [eBusiness](#) | [Help](#) | [Privacy Policy](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Thu Jun 21 04:06:23 EDT 2007

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) Please logout when you are done to release system resources allocated for you.

[Start](#) [List At:](#) OR [Jump](#) to record: **Record 15 out of 33**

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	SOOTHING SILK
Goods and Services	IC 003. US 001 004 006 050 051 052. G & S: SKIN CARE PRODUCTS, NAMELY, BODY LOTION, HAIR SHAMPOO, BODY WASH, SOAP, AND HAIR CONDITIONER. FIRST USE: 19990715. FIRST USE IN COMMERCE: 19990715
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	76120879
Filing Date	September 5, 2000
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	May 8, 2001
Registration Number	2473753
Registration Date	July 31, 2001
Owner	(REGISTRANT) Jelladian, Gloria INDIVIDUAL UNITED STATES 2226 East Pinedale Avenue Fresno CALIFORNIA 93720
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz Alerts](#) | [News](#) | [Help](#)

[Portal Home](#) | [Patents](#) | [Trademarks](#) | [Other](#)

[Trademark eBusiness](#)

- □

[Trademark Document Retrieval](#)

[Document Retrieval FAQ](#)

[Check Status \(TARR\)](#)

[File Online \(TEAS\)](#)

[Retrieve Documents \(TDR\)](#)

[Retrieve US Registration Certificates](#)

[Search Trademarks \(TESS\)](#)

[Trademark Official Gazette](#)

[+ Trademark Ownership](#)

[+ Copies, Products & Services](#)

[+ Supplemental Resources & Support](#)

[Trademark Information](#)

[Trademark Guidance](#)

[+ Codes, Rules & Manuals](#)

[+ Employee & Office Directories](#)

[+ Fees](#)

[+ Resources & Public Notices](#)

[Trademark Trial & Appeal Board](#)

[TTAB Manual of Procedure](#)

[+ Online Proceedings](#)

[Other](#)

[Copyrights](#)

[Patents](#)

[Policy & Law](#)

[Reports](#)

**IMPORTANT
NOTICE:**

[E-Mail with Direct Link to Issued Trademark Office Action](#)
[Examining Attorney Appeal Briefs to Replace E-Mailed
Actions/Appeal Briefs](#)

US Serial No: 76120879

[Select
New Case](#) [Contents
of File](#)

To view a document page-by-page, click on the document name in the Document Description column. The document will open in a New Window. To download the complete document, check the boxes next to the desired documents and click the Start Download button.

Please note that Mail/Create Date below is the date the document was loaded into the database; it is not necessarily the mailing date from which the response is due. The mailing date is available in the prosecution History in TARR.

Mail / Create Date	Document Description	Select All	Start Download
15-Feb-2007	File Jacket	<input type="checkbox"/>	<input type="checkbox"/>
15-Feb-2007	Specimens	<input type="checkbox"/>	<input type="checkbox"/>
15-Feb-2007	Unclassified	<input type="checkbox"/>	<input type="checkbox"/>
04-May-2004	Change of Address	<input type="checkbox"/>	<input type="checkbox"/>
31-Jul-2001	Registration Certificate	<input type="checkbox"/>	<input type="checkbox"/>
31-Jul-2001	Registration Certificate	<input type="checkbox"/>	<input type="checkbox"/>
05-Sep-2000	Application	<input type="checkbox"/>	<input type="checkbox"/>
05-Sep-2000	drawing	<input type="checkbox"/>	<input type="checkbox"/>
05-Sep-2000	Specimens	<input type="checkbox"/>	<input type="checkbox"/>

If you need help:

- **General trademark information:** Please e-mail TrademarkAssistanceCenter@uspto.gov, or telephone either 571-271-1-800-786-9199.
- **Technical help:** For instructions on how to use TDR, or help in resolving technical glitches, please e-mail TDR@uspto.gov. If outside of the business hours of the USPTO, please e-mail Electronic Business Support.

1-800-786-9199.

- **Questions about USPTO programs:** Please e-mail [USPTO Contact \(UCC\)](mailto:USPTO.Contact@USPTO.gov).

NOTE: Within any e-mail, please include your telephone number so we can reach you directly, if necessary. Also, include the relevant serial number or registration number, if existing.

You can suggest USPTO webpages or material you would like featured on this section by E-mail to the webmaster@uspto.gov. We cannot promise to accommodate all requests, your suggestions will be considered and may lead to other improvements on the website.

[Home](#) | [Site Index](#) | [Search](#) | [eBusiness](#) | [Help](#) | [Privacy Policy](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Thu Jun 21 04:06:23 EDT 2007

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSER DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) [PREV LIST](#) [CURR LIST](#)
[NEXT LIST](#) [FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#)

[Logout](#) | Please logout when you are done to release system resources allocated for you.

[Start](#) | List At: OR [Jump](#) to record: **Record 8 out of 476**

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

SILK THERAPY

Word Mark SILK THERAPY
Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Hair care preparations, namely, shampoos, gels, hair sprays, and shine enhancers. FIRST USE: 20000520. FIRST USE IN COMMERCE: 20000520

Standard
Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Design Search Code
Serial Number 78651463
Filing Date June 15, 2005
Current Filing Basis 1A
Original Filing Basis 1A
Published for
Opposition June 27, 2006
Registration
Number 3144799
Registration Date September 19, 2006
Owner (REGISTRANT) Farouk Systems, Inc. CORPORATION TEXAS 250 Pennbright, Suite 150
 Houston TEXAS 77090
Attorney of Record Ben D. Tobor
Prior Registrations 2409833
Type of Mark TRADEMARK

Register PRINCIPAL-2(F)
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[|.HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/651463

APPLICANT: Farouk Systems, Inc.

78651463

CORRESPONDENT ADDRESS:

BEN D. TOBOR
BRACEWELL & GIULIANI LLP
PO BOX 61389
HOUSTON, TX 77208-1389

RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: SILK THERAPY

CORRESPONDENT'S REFERENCE/DOCKET NO: 29358.0113

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

EXAMINER'S AMENDMENT/PRIORITY ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE. *If applicant responds to the issues below within two months of the above mailing or e-mailing date, this case will be given priority handling.*

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

OFFICE RECORDS SEARCH: The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

ADVISORY – AMENDMENTS TO GOODS/SERVICES: If the identification of goods and/or services has been amended below, any future amendments must be in accordance with 37 C.F.R. §2.71(a) and TMEP §1402.07(e).

QUESTIONS: Please contact the assigned trademark examining attorney with any questions.

Serial Number 78/651463

EXAMINER'S AMENDMENT

AMENDMENT AUTHORIZED: As authorized by Ben Tobor on January 10, 2006, the application is amended as noted below. *If applicant disagrees with or objects to any of the amendments below, please notify the undersigned trademark examining attorney immediately.* Otherwise, no response is necessary. TMEP §707.

Claim of Distinctiveness under Section 2(f) Added

The following claim of acquired distinctiveness under Trademark Act Section 2(f), 15 U.S.C. §1052(f), based upon ownership of U.S. Registration 2409833 has been added to the record.

The mark has become distinctive of the goods and/or services as evidenced by ownership of U.S. Registration 2409833 on the Principal Register for the same mark for related goods or services.

37 C.F.R. §2.41(b); TMEP §§1212.04 *et seq.*

PRIORITY ACTION

Applicant must respond to the requirement raised below. If applicant responds to the issue below within two months of the above mailing or e-mailing date, this case will be given priority handling. TMEP §§708.01 and 708.05.

Substitute Specimen Required

The current specimen of record is unacceptable as evidence of actual trademark use because the image of the goods is blurry and none of the literal elements on the goods are decipherable. Examples of acceptable specimens for goods are tags, labels, instruction manuals, containers, photographs that show the mark on the goods or packaging, or displays associated with the goods at their point of sale. TMEP §§904.04 *et seq.*

Applicant must submit (1) a substitute specimen showing the mark as it is used in commerce on the goods or on packaging for the goods, and (2) a statement that "the substitute specimen was in use in commerce at least as early as the filing date of the application," verified with a notarized affidavit or a signed declaration under 37 C.F.R. §2.20. 37 C.F.R. §§2.56 and 2.59(a); TMEP §§904.01 *et seq.* and 904.09.

Applicant should add the following declaration paragraph to the end of its response, and include a dated signature by a person authorized under 37 C.F.R. §2.33(a). 37 C.F.R. §2.20.

The substitute specimen was in use in commerce at least as early as the filing date of the application.